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October 21, 2016

**VIA E-MAIL & REGULAR MAIL**

Walter D. Nealy, Esq.  
100 South Van Brunt Street, Suite 2C  
Englewood, New Jersey 07631  
E-mail: walter@wdnlaw.com

**Re: In Re James Kim, Docket No. 16-20275**

To Mr. Nealy,

As you know this firm represents the Borough of Fort Lee ("Borough") in the above referenced matter. We are very disappointed at your failure to circulate the proposed form of order to all counsel before submitting it to the Court. This is a gross error and also, your submission is made almost two (2) weeks after the October 7, 2016 hearing, also in violation of the Local Rules of Civil Procedure. We are further troubled with the fact that your submission states that the Borough "is directed . . . at the request of [your client] the Debtor act as a aforesaid Liquor License for use at 210 Main Street, Fort Lee New Jersey", in contradiction of the Court's ruling. This is now the second time in the course of litigation, in which you have not circulated a proposed order for the Borough's review.

As you are aware, we advised the Court that the liquor license has not yet been cleared by the Borough for use at said premises. In addition, we advised that we could not speak on behalf of the Governing Body or make any assurances as to whether or not the Governing Body would approve the use of the liquor license at said premises once a valid application is submitted. As a matter of law, the Court rules that it cannot direct the Borough to enforce its police powers at our prior hearing. Nevertheless, we have been courteous and willing to work with the parties in this matter. After the hearing, the undersigned indicated to you, during our phone conversation, the requirement of a valid application for said premises and the Fort Lee Borough Clerk faxed you over a courtesy copy of the application form even though it is not her job to advise you as to the legal requirements for a valid application.

As such, we request that you retract your October 19, 2016 submission to the Court. Moreover, we request that the Order accurately reflect our discussions during oral argument and during numerous other occasions, that it be circulated to the parties and submitted once all parties have consented to it.

Thank you for your anticipated consideration of this matter.

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J. SOTOLONGO  
CLERK



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October 21, 2016

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Sincerely,

**DeCotiis, FitzPatrick, & Cole, LLP**  
*Attorneys for the Borough of Fort Lee*

By: 

Lesley Sotolongo, Esq.

Cc: Hon. Vincent F. Papalia (via regular mail and email)  
Justin D. Santagata, Esq. (via regular mail and e-mail)  
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